v. *Jones,* 18 Me. 308, 36 Am. Dec. 723; *Snedager* v. *Kincaid,* 22 Ky. Law Rep. 1347, 60 S. W. 522. This latter case was based largely upon a statutory provision. It has been held that where the nullity charged against the marriage is relative and not absolute, the contracting parties retain their status as married persons until such nullity is ascertained and declared by a competent court. And a female minor, emancipated by such marriage, does not need a guardian *ad ltem* to enable her to defend such suit. *Delpit* v. *Young,* 51 La. Ann. 923, 25 South. 547.

MASTER AND SERVANT—AUTOMOBILES—HUSBAND LIABLE FOR NEGLIGENT OPERATION OF HIS AUTOMOBILE BY THIRD PERSON DIRECTED OR PERMITTED BY WIFE.—The defendant kept an automobile for the use and pleasure of his family. During the course of a pleasure drive, the defendant's wife, without the knowledge or consent of the husband, permitted a friend to drive the car. Because of this friend's negligent driving, the plaintiff's property was damaged, and the plaintiff brought an action for damages. *Held,* the defendant is liable. *Ulman* v. *Lindeman* (N. D.), 176 N. W. 25.

The liability of the owner of an automobile for the negligence of those who drive it must depend upon the relation of agency or of master and servant. See *Doran* v. *Thomsen,* 76 N. J. L. 754, 71 Atl. 296. The fact of the ownership, standing alone, will not fix liability, though it has been held that the fact of ownership raises a *prima facie* presumption that the driver was acting for the owner. *Birch* v. *Abercrombie,* 74 Wash. 486, 133 Pac. 1020. The attempt to fix liability upon the owner on the ground that an automobile is a "dangerous agency" has been generally rejected. *Cohen* v. *Meador,* 119 Va 429, 89 S. E. 876; *Brinkman* v. *Zuckerman,* 192 Mich. 624, 159 N. W. 316. See also note L. R. A. 1917F, 384. As between the owner of a family automobile and the members of the family, the modern tendency is to fix the relation of master and servant. For a full discussion of the principles and authorities involved, see 2 VA. LAW REV. 189.

The instant case involves a unique point. Here the owner was held liable, not for the negligence of his wife, but for that of one whom she permitted to drive without his knowledge or consent. The court held the operation to be that of the wife through her friend as a mere instrumentality. Only one analogous case can be found. In *Houseman* v. *Karicofe* (Mich.), 167 N. W. 964, the joint owners of an automobile were held liable for the negligence of one who was driving the car for their son, a paralytic. But there was evidence that the parents planned the trip and themselves appointed the driver.

Whether the "family automobile doctrine" is a legitimate extension of the doctrine of *respondeat superior* is open to serious question. *Schumer* v. *Register,* 12 Ga. App. 743, 78 S. E. 731; *Linville* v. *Nissen,* 162 N. C. 95, 77 S. E. 1096; 2 VA. LAW REV. 203. At any rate, it would seem that its application to the instant case stretches the doctrine perilously near the breaking point.